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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,101	03/16/2001	Noriaki Sakamoto	10417-058001	2695
26211	7590	04/25/2005	EXAMINER	
FISH & RICHARDSON P.C. CITIGROUP CENTER 52ND FLOOR 153 EAST 53RD STREET NEW YORK, NY 10022-4611			CLARK, SHEILA V	
			ART UNIT	PAPER NUMBER
			2815	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/810,101	SAKAMOTO ET AL.	
	Examiner	Art Unit	
	S. V. Clark	2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 04 and recent tele. inquiry.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 32-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14, 16-19, 21, 24, 25 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 15, 20, 22, 23, 35-39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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This communication has been resent in response to the telephone communication from Mr. Sam Boradach regarding claims 40-44 inadvertently omitted in the last office action.

Newly submitted claims 40-44 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these claims are directed to a hard disk device non-elected in the communication filed 6-7-2002.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-44 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-12, 14, 16-19, 21, 24, 25, 32-34 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lee.

Lee teaches the provision of using aluminum in column 1 discussion of the prior art. Although the invention of Lee is primarily discussed relative to the use of copper, the substitution of aluminum for copper is well known in heat sink technology as

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established by the prior art teachings of Lee. Figure 3-10 therefore as applied to copper can be equally applied to aluminum.

Lee shows a semiconductor device having a chip 70 having pads 73 coupled thereto. The back surface of said chip is formed a heat radiating electrode 71 of titanium coupled to a heat radiating substrate 81. Figures 7-10 show variations of the metal films layers recited in the claims whereby figure 7 shows heat radiating substrate having a first metal film of Au coupled to said heat electrode by a adhering material having thermal conductivity (i.e. palladium). Other views also show the use of nickel.

Col. 1 of Lee teaches that his device is applicable to IC devices in general, which would include precision electronic equipment.

Claims 1-5, 7-12, 14, 16-19, 21, 24, 25, 32-34 are rejected.

Claims 6, 13, 15, 20, 22, 23, 35-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 40-44 are withdrawn from consideration as being directed to a non-elected invention.

Akin et al, Hediger and Tokuhara et al are cited to show aluminum heat sinks with intervening metal layers.

Applicant's arguments filed 10-4-2004 have been fully considered but they are not persuasive. As discussed in a previous conversation with the attorney the instant invention is specifically directed to hard disk recording structure and reduction in

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the growth of particle due to the growth of oxide on said recording disk equipment. Several attempts have been made to suggest claim language to the applicant in an effort to gain better consideration for allowance with said efforts being futile. Said claims as they are recited and directed to general heat sink structure is deemed to be taught by the references relied upon in the rejection with aluminum long being used as a heat radiating material. It would have been also well known to one having ordinary skill in this art to substitute copper for aluminum since this also long time practice is well known. The suggestion which included many areas of claim language that could have been utilized in the claims indicated in part, the incorporation of the hard disk environment, not alone but along with other language. This suggestion however was with regard to the language in the body of the claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner S.V. Clark whose telephone number is (571) 272-1725.

April 18, 2004



SHEILA V. CLARK  
PRIMARY EXAMINER